

REMARKS

Claims 24 and 25 are amended and claims 24-30 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

Examiner Interview

Applicant would like to sincerely thank Examiner Truong for her time in discussing this application over the phone on February 23, 2007. During this discussion, the § 102 and § 103 rejections were discussed, along with the § 101 rejections. While no agreement was reached as to the § 102 and § 103 rejections, Examiner and Applicant's representative agreed as to amendments to overcome the § 101 rejections. Claims 24 and 25 have been so amended. In light of this discussion, Applicant respectfully requests that the Examiner call Applicant's representative to discuss this application before issuing any subsequent rejections.

§ 101 Rejections

Claims 24-30 stand rejected under 35 U.S.C. § 101 for allegedly failing to recite statutory subject matter. While Applicant respectfully disagrees with this rejection, Applicant has nonetheless amended claims 24 and 25 as discussed during the Examiner interview. Accordingly, Applicant submits that claims 24-30 recite statutory subject matter under § 101 and respectfully requests that the § 101 rejections be withdrawn.

§ 103 Rejections

Claim 24 stands rejected under 35 U.S.C. § 103(a) for allegedly being obvious over U.S. Patent No. 5,742,772 to Sreenan in view of U.S. Patent No. 5,307,496 to Ichinose, et al. (hereinafter “Ichinose”).

The Claim

Independent Claim 24 is amended, and as amended recites in a computer system having resources and a resource planner for granting reservations of amounts of resources to activities, a computer-implemented method comprising [added language is indicated in bold italics]:

- submitting a request for a reservation of a set of resources in specified amounts from an activity to the resource planner;
- determining at the resource planner that the request may not be granted;
- returning from the resource planner to the activity a list of amounts of the set of resources that are currently available to the activity;
- using the returned list at the activity to reformulate the request for a reservation of the set of resources to specify new requested amounts; [[and]]
- resubmitting the reformulated request to the resource planner;
and
- ***executing the activity.***

The Office argues that the subject matter of this claim is obvious over Sreenan in view of Ichinose. Applicant respectfully disagrees and submits that the Office has failed to establish a *prima facie* case of obviousness for at least the reason that the cited combination of references fails to disclose or suggest all of this claim’s recited features.

Specifically, neither reference discloses or suggests the feature of:

- returning from the resource planner to the activity a list of amounts of the set of resources that are currently available to the activity.

The Office argues in its rejection that Ichinose teaches this particular feature at column 6, lines 44-54. For the sake of convenience, this section of Ichinose is excerpted below:

The resource supply judging portion 12 receives a resource utilization request generated in its own computer or a resource utilization request generated in the other computer C1 or C2 through the communicator 32. The resource supply judging portion 12, upon receipt of such a resource utilization request, judges by reference to the resource table 20 **whether or not it is possible to supply the resource that is requested in the resource utilization request from its own computer**. The result of the judgment is output to the resource supplier 14 and the utilization request transmitter 16. Ichinose at column 6, lines 44-54 (emphasis added).

First, Applicant points out that this section of Ichinose fails to make any mention of “a list of amounts” of anything. The resource supply judging portion of Ichinose is simply making a determination as to “whether or not it is possible to supply the resource that is requested in the resource utilization request from its own computer.”

Further, Applicant’s claim recites

- submitting a request for a reservation of a set of resources in specified amounts **from an activity to the resource planner...**

and

- returning **from the resource planner to the activity** a list of amounts of the set of resources that are currently available to the activity.

Thus, the list of amounts of the set of resources currently available to the activity is returned to the activity that originally made the request. In contrast, as discussed in the excerpt above from Ichinose and shown in Fig. 3 of Ichinose, “[t]he result of the judgment [of the resource supply judging portion] is output to the resource supplier 14 and the utilization request transmitter 16” and not explicitly to the original requesting portion. Thus, Ichinose fails to make any mention that the discussed result is output to the original requesting entity.

Accordingly, and at least for the reasons discussed above, the cited combination of references fails to render this claim obvious and this claim is allowable.

§ 102 Rejections

Claims 25-30 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sreenan.

The Claims

Claim 25 is amended, and as amended recites in a computer system having resources and a resource planner for granting reservations of amounts of resources to activities performed on the computer system, a computer-implemented method comprising [added language is indicated in bold italics]:

- negotiating between the resource planner and activities to reserve shares of the resources with the resource planner on behalf of the activities;
- in view of changing resource usage or requirements, renegotiating between the resource planner and the activities to change reservations of resources on behalf of the activities to reflect the changing resource usage or requirements, *wherein renegotiating includes returning from the resource planner to one or more of the activities a list of amounts of a set of resources that are currently available to the activities; and*
- *executing at least one of the activities.*

The Office argues that the subject matter of this claim is anticipated by Sreenan. While Applicant respectfully disagrees, Applicant has nonetheless amended the claim for clarification. Thus, Applicant submits that Sreenan fails to anticipate this claim for at least the reason that Sreenan fails to disclose or suggest all of this claim's recited features.

Specifically, Sreenan fails to disclose or suggest at least the feature of:

- in view of changing resource usage or requirements, renegotiating between the resource planner and the activities to change reservations of resources on behalf of the activities to reflect the changing resource usage or requirements, **wherein renegotiating includes returning from the resource planner to one or more of the activities a list of amounts of a set of resources that are currently available to the activities.**

According, and at least for this reason, Sreenan fails to anticipate this claim and this claim is allowable.

Claims 26-30 depend from claim 25 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 25, are neither disclosed nor suggested by the references of record.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

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Respectfully Submitted,

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